

Child pornography

18 USC 2252, 2252A

- ✦ Possession --> U.S.S.G. 2G2.4:
 - » Base of 15
 - » + 2 for the use of a computer
- ✦ Trafficking --> U.S.S.G. 2G2.2:
 - » Base of 17
 - » +2 for a computer
 - » +5 for distribution “for pecuniary gain”???

Copyright infringement

17 USC 506, 18 USC 2319

✦ Old USSG 2B5.3

- » Base of 6; + Fraud table (2F1.1) based on value of counterfeits

✦ New USSG 2B5.3 (May 1, 2000)

- » Base of 8
- » + Fraud table usu. using legit. retail values
- » + 2 for the use of a computer (floor of 12)
- » - 2 for no commercial motive (floor of 8)
- » Special skill adj. for decryption/circumvtn.

Computer impairment

18 USC 1030(a)(5)

- ✦ Impairment of integrity or availability of computers
- ✦ Use USSG 2B1.3
 - » Base of 4
 - » Use 2B1.1 table based on the “loss”, including, e.g., cost to repair & lost revenue resulting from interruption of service
 - » + 2 for ‘more than minimal planning’
 - » Minimum sentence of 6 months

Privacy or confidentiality crimes

- ✦ Wiretapping - 18 USC 2511 -> 2H3.1
 - » Base of 9 + 3 for commercial gain
- ✦ Confidentiality of information -> 2B1.1
 - » Access via computer: 18 USC 1030(a)(2)
 - » Theft of trade secrets: 18 USC 1832
 - » Either way, the base is 4, use the table
 - » The loss is “the value of the property taken”
 - Upward departure may be warranted if valuation does not fully capture harm

Large scale (consumer) fraud

- ✦ E.g., 18 U.S.C. 1343, 1030(a)(4)
- ✦ U.S.S.G. 2F1.1
 - » Base of 6
 - » + The fraud table based on the “loss”
 - » +2 for more than minimal planning
 - » +2 for mass-marketing
 - » For 1030(a)(4) (fraud by means of unauthorized computer access), minimum sentence of 6 months